

**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER BUREAU**

**GROUNDWATER DISCHARGE GENERAL PERMIT
2215-05-1**

This general permit is issued under the provisions of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, being Sections 324.3101 through 324.3119 of the Compiled Laws of Michigan, and the Administrative Rules promulgated thereunder. This general permit does not relieve the discharger from obtaining and complying with any other permits required under local, state, or federal law.

Authorization:	Rule 2215
Type of Operation:	Various
Discharge Category:	Above Ground Sewage Disposal Systems (Flow less than 20,000 gallons per day daily maximum, 10,000 gallons per day annual average)
Type of Wastewater:	Sanitary Sewage Only
Method of Disposal:	Groundwater or Ground
Issue Date:	April 1, 2005
Expiration Date:	April 1, 2010
Authorization to Discharge in accordance with the limitations and conditions as set forth in this general permit as authorized pursuant to R 323.2215 .	

The Michigan Department of Environmental Quality (Department) has determined that facilities with above ground sewage disposal systems where average annual flow is less than 10,000 gallons per day of sanitary sewage only and where treatment and disposal facilities are constructed, operated and maintained in accordance with plans and specifications approved by the Department, are appropriately and adequately controlled by a general permit. Pursuant to this general permit, a discharge may begin as soon as the conditions of the general permit have been met.

In accordance with Section 324.3122 of the Michigan Act, the permittee shall make payment of an annual permit fee to the Department for each December 15 the permit is in effect regardless of occurrence of discharge. The permittee shall submit the fee in response to the Department's annual notice. The fee shall be postmarked by March 1 for notices mailed by January 15. The fee is due no later than 45 days after receiving the notice for notices mailed after January 15. Fees paid in accordance with the Michigan Act are not refundable.

This general permit supersedes all Permits and Exemptions issued by the Department to facilities with the same or substantially similar types of operation.

All construction, maintenance, operations, and monitoring of this facility must comply with the conditions set forth in this general permit by the Department. Failure to comply with the terms and provisions of this general permit may result in civil and/or criminal penalties as provided in Part 31.

James R. Janiczek, Chief,
Groundwater Permits Unit
Water Bureau
Michigan Department of Environmental Quality

A. Authorization Conditions

1. No discharge can occur until the discharger requests a certificate of coverage on a form approved by the Department and obtains a certificate of coverage authorizing the discharge.
2. Prior to the initiation of construction of the wastewater treatment and disposal facilities, the discharger shall submit plans and specifications to the Department that demonstrate the discharge will meet the requirements of R 323.2204 and receive notification from the Department that this condition has been met.
3. Subsequent to construction of wastewater treatment and disposal facilities constructed under this general permit, the discharger shall obtain certification by an engineer licensed under Act No.299 of the Public Acts of 1980, as amended, being § 339.101 et seq. of the Michigan Compiled Laws, and known as the Occupational Code, that the wastewater treatment and disposal facilities were constructed in accordance with the approved plans and specifications. The certification shall be available for inspection by the Department unless this requirement is waived at the time that the plans and specifications are approved.
4. The discharge of treated wastewater shall only be on property owned by the discharger unless the discharger has written authorization from the landowner for such a discharge.
5. The discharger shall maintain, on site, a log detailing the daily discharge volume of sanitary sewage. The log shall be available for inspection and submitted to the Department upon request. Records shall be retained for a period of three years unless otherwise required by the Department. The Department may approve alternative monitoring frequencies.
6. If the disposal method includes a lagoon or irrigation system:
 - a. The lagoon system shall be fenced and warning signs placed around its perimeter.
 - b. Problems that threaten lagoon dike integrity (for example, significant erosion or animal burrowing) shall be reported immediately to the Department. Vegetation shall be kept groomed to discourage animal burrowing.
 - c. Adequate freeboard shall be maintained to prevent holding pond overtopping.
 - d. Effluent shall not be irrigated within 100 feet of property lines unless the Department specifically approves a lesser distance. Irrigation shall be stopped immediately if aerosol drift is detected beyond the isolation distance specified.
 - e. Irrigation shall be to vegetated areas and between May 1 and October 15.
 - f. Irrigated crops for human consumption grown shall be limited to those requiring processing prior to consumption.
 - g. Dairy animals shall not be allowed to graze on fields until 30 days after the application of effluent.

7. All treatment or control facilities or systems installed or used to achieve compliance with this general permit shall be maintained in good working order and operated as efficiently as possible.

B. Transfer of Ownership

In the event of any change in control or ownership of facilities from which the authorized discharge emanates, the permittee shall submit to the Department 30 days prior to the actual transfer of ownership or control a written agreement between the current permittee and the new permittee containing: 1) the legal name and address of the new owner; 2) a specific date for the effective transfer of permit responsibility, coverage and liability; and 3) a certification of the continuity of or any changes in operations, wastewater discharge, or wastewater treatment.

If the new permittee is proposing changes in operations, wastewater discharge, or wastewater treatment, the Department may propose modification of this permit in accordance with applicable laws and rules.

C. Change or Modification of Treatment or Discharge

If at any time the discharge fails to meet a qualifying condition of this general permit, the general permit and any specific certificate of coverage no longer applies, and the discharger must obtain an appropriate authorization.

D. By-Passing

Any diversion from or bypass of treatment facilities is prohibited, except where unavoidable to prevent loss of life, personal injury, or severe property damage. The discharger shall immediately notify the Department of any such occurrence by telephone at 1-800-292-4706. Such notice shall be supplemented by a written report within ten days detailing the cause of such diversion or bypass and the corrective actions taken to minimize adverse impact and eliminate the need for future diversion or bypass.

E. Cessation of Discharge-Related Activities

If all or any portion of the authorized treatment facilities and discharge areas are intended to be eliminated, the discharger shall comply with the requirements of R 323.2226.

F. Reporting Requirements

Except as provided in Section D, all notices, reports, and other submissions required by and pursuant to this general permit shall be submitted to:

Groundwater Permits Unit
Water Bureau
Department of Environmental Quality
P.O. Box 30273
Lansing, Michigan 48909-8130

Telephone: 517-373-8148

G. Request for Discharge of Water Treatment Additives to Groundwater

In the event a permittee proposes to discharge water treatment additives (WTAs) to groundwater, the permittee shall submit a request to discharge the WTAs to the Department for approval. Water treatment additives include such chemicals as herbicides used kill weeds and grasses as part of lagoon maintenance. Such requests shall be sent to the Department of Environmental Quality, Water Bureau, Surface Water Assessment Section, P.O. Box 30273, Lansing, Michigan 48909, with a copy to the Groundwater Permits Unit. Written approval from the Department to discharge such WTAs at specified levels shall be obtained prior to discharge by the permittee. Failure to obtain approval prior to discharging any WTA is a violation of this permit. Additional monitoring and reporting may be required as a condition for the approval to discharge the WTA.

A request to discharge WTSs to groundwater shall include all of the following:

- a. Product information.
 - Name of the product(s) used.
 - Material Safety Data Sheet for each product.
 - Product function (e.g., microbiocide, flocculant, etc.).
 - Specific gravity if the product is a liquid.
 - Annual product use rate, either gallons per year for a liquid or pounds per year for a solid.
- b. Ingredient information per each product.
 - Name of each ingredient
 - CAS # for each ingredient
 - Fractional content by weight for each ingredient
- c. The monitoring point from which the product is to be discharged.
- d. The type of removal treatment, if any, that the WTA receives prior to discharge.
- e. Relevant mammalian toxicity studies for the product or all of its constituents (if product toxicity data are submitted, the applicant must also provide information showing that the product tested has the same composition as the product listed under Item a). Preferred studies are subchronic or chronic in duration, use the oral route of exposure, examine a wide array of endpoints and identify a no-observable- adverse-effect-level. Applicants are strongly encouraged to provide the preferred data. If preferred data are not available, then the minimum information needed is an oral rat LD₅₀ study. In addition, an environmental fate analysis that predicts the mobility of the product/ingredients and their potential to migrate to groundwater may be provided.

If the discharge of the WTA to groundwater is within 1,000 feet of a surface water body, then the following information must also be provided:

- f. The results of a 48-hour LC₅₀ or EC₅₀ toxicity test of the product for a North American freshwater planktonic crustacean (either *Ceriodaphnia sp.*, *Daphnia sp.*, or *Simocephalus sp.*).
- g. The results of a toxicity test of the product for one other North American freshwater aquatic species (other than a planktonic crustacean) that meets a minimum requirement of Rule 323.1057(2) of the Water Quality Standards.

Prior to submitting the request, the permittee may contact the Surface Water Assessment Section at 517-335-6969 or check the MDEQ Internet Web page to determine if the Department has the product toxicity data required by Item f and Item g above. If the Department has the data, the permittee will not need to submit aquatic toxicity information.

H. Spill Notification

The permittee shall immediately report any release of any polluting material which occurs to the surface waters or groundwater of the state, unless the permittee has determined that the release is not in excess of the threshold reporting quantities specified in the Part 5 Rules (Rules 324.2001 through 324.2009 of the Michigan Administrative Code), by calling the Department at the number indicated in the certificate of coverage, or if the notice is provided after regular working hours call the Department's 24-hour Pollution Emergency Alerting System telephone number, 1-800-292-4706 (calls from out-of-state dial 1-517-373-7660).

Within ten (10) days of the release, the permittee shall submit to the Department a full written explanation as to the cause of the release, the discovery of the release, response (clean-up and/or recovery) measures taken, and preventative measures taken or a schedule for completion of measures to be taken to prevent reoccurrence of similar releases.

I. Duty to Comply

All discharges authorized herein shall be consistent with the terms and conditions of this permit and the facility's certificate of coverage (COC). The discharge of any pollutant identified in this permit and/or the facility's COC more frequently than or at a level in excess of that authorized shall constitute a violation of the permit.

It is the duty of the permittee to comply with all the terms and conditions of this permit and the facility's COC. Any noncompliance with the Effluent Limitations, Special Conditions, or terms of this permit or the facility's COC constitutes a violation of the Michigan Act and constitutes grounds for enforcement action; for COC termination, revocation and reissuance, or modification; or denial of an application for permit or COC renewal.

J. Operator Certification

The permittee shall have the waste treatment facilities under direct supervision of an operator certified at the appropriate level for the facility certification by the Department, as required by Sections 3110 and 4104 of the Michigan Act.

K. Power Failures

In order to maintain compliance with the effluent limitations of this permit and prevent unauthorized discharges, the permittee shall either:

- a. provide an alternative power source sufficient to operate facilities utilized by the permittee to maintain compliance with the effluent limitations and conditions of this permit; or
- b. upon the reduction, loss, or failure of one or more of the primary sources of power to facilities utilized by the permittee to maintain compliance with the effluent limitations and conditions of this permit, the permittee shall halt, reduce or otherwise control production and/or all discharge in order to maintain compliance with the effluent limitations and conditions of this permit.

L. Waste Treatment Residues

Residuals (i.e. solids, sludges, biosolids, filter backwash, scrubber water, ash, grit or other pollutants) removed from or resulting from treatment or control of wastewaters, shall be disposed of in an environmentally compatible manner and according to applicable laws and rules. These laws may include, but are not limited to, the Michigan Act, Part 31 for protection of water resources, Part 55 for air pollution control, Part 111 for hazardous waste management, Part 115 for solid waste management, Part 121 for liquid industrial wastes, Part 301 for protection of inland lakes and streams, and Part 303 for wetlands protection. Such disposal shall not result in any unlawful pollution of the air, surface waters or groundwaters of the state.

M. Right of Entry

The permittee shall allow the Department, any agent appointed by the Department, upon the presentation of credentials:

- a. to enter upon the permittee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit; and
- b. at reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect process facilities, treatment works, monitoring methods and equipment regulated or required under this permit; and to sample any discharge of pollutants.

N. Availability of Reports

Except for data determined to be confidential under Rule 2128 (Rule 323.2128 of the Michigan Administrative Code), all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. Effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Sections 3112, 3115, 4106 and 4110 of the Michigan Act.

O. Civil and Criminal Liability

Except as provided in permit conditions on "Bypass", nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance, whether or not such noncompliance is due to factors beyond the permittee's control, such as accidents, equipment breakdowns, or labor disputes.

P. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation.

Q. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize violation of any federal, state or local laws or regulations, nor does it obviate the necessity of obtaining such permits or approvals as may be required by law.